

04/25/01  
1033 U.S. PTO  
Express Mail No.: EL501040000US

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1

PATENT APPLICATION

Attorney Docket No.: 069078.0104

First Named Inventor: Klocek, et al.  
(Or Application Identifier)

1033 U.S. PTO  
09/844170  
04/25/01

**TRANSMITTAL FOR U.S. PATENT APPLICATION  
UNDER 37 C.F.R. § 1.53 (b)**

Box Patent Application  
ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Sir:

Enclosed for filing is a patent application entitled:  
METHOD AND APPARATUS FOR SWITCHING OPTICAL SIGNALS WITH A  
PHOTON BAND GAP DEVICE.

The enclosed application is:

Original  
 Continuation  Divisional  Continuation-In-Part  
(CIP) of prior application No. \_\_\_\_\_.

Enclosed are:

Specification, Claims and Abstract (32 Total Pages)  
 Drawing(s) (5 Total Sheets of  Formal  Informal)  
 Combined Declaration/Power of Attorney (5 Total Pages)  
 Newly executed (original or copy)  
 Copy from a prior application  
(for continuation or divisional only)  
 Incorporation By Reference - The entire  
disclosure of the prior application, from which  
the copy of the Declaration is supplied, is  
considered as being part of the disclosure of  
the accompanying application and is hereby  
incorporated by reference herein.  
 This application is being filed by fewer than  
all of the inventors named in the prior  
application, under 37 CFR §1.53(d) (4). Please  
DELETE the following inventor(s) named in the  
prior nonprovisional application:  
\_\_\_\_\_.  
\_\_\_\_\_

An Assignment is attached. A separate cover sheet in  
compliance with 37 C.F.R. § 3.28 and § 3.31 is included  
with an Assignment recording fee of \$ 40.00 pursuant  
to 37 C.F.R. §1.21(h).

Information Disclosure Statement (IDS), and Form PTO-1449  
 Copies of documents listed on Form PTO-1449.

Preliminary Amendment

Please enter before calculating the filing fee.

Priority is claimed under 35 USC §119 based on:

A certified copy of the priority application is enclosed.

Other: \_\_\_\_\_.

Return Receipt Postcard

The enclosed application is in the form of a foreign language text:

An English translation is enclosed, along with a statement that the translation is accurate.

Please notify the undersigned of the due date for submitting an English translation.

An enclosed check includes the fee of \$\_\_\_\_ for processing a foreign language text.

Applicant is a  large  small entity.

Small Entity Statement enclosed.

Small Entity Statement filed in prior application.  
 Status still proper and desired.

FEE CALCULATION (LARGE ENTITY RATE)					FEE
	Number		Number Extra	Rate	Basic Fee
					\$710.00
Total Claims:	22	- 20 =	2	X \$18 =	\$36.00
Independent Claims	3	- 3 =	0	X \$80 =	\$0.00
TOTAL FILING FEE =					\$746.00

Enclosed is a check in the amount of \$ 746.00 for fees.

Please credit any overpayment, or charge any additional fees required by this paper, to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P. A duplicate copy of this sheet is enclosed.

X Pursuant to 37 C.F.R. § 1.213(a), Applicant respectfully requests that the above-identified patent application not be published under 37 U.S.C. § 122(b). Applicant(s) hereby certifies that the invention disclosed in the above-identified application has not been and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

— This application is being filed without the Declaration and filing fee. Please advise the undersigned of the due date for submitting the Declaration and/or filing fee.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicant



T. Murray Smith  
Reg. No. 30,222  
April 25, 2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Klocek, et al.  
Serial No.: Unknown  
Filing Date: April 25, 2001  
Title: METHOD AND APPARATUS FOR SWITCHING OPTICAL  
SIGNALS WITH A PHOTON BAND GAP DEVICE

Box Patent Application  
Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Dear Sir:

I hereby certify that the enclosed documents (listed below) are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on this 25th day of April, 2001, addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231.

*Willie Tiles*

Encl: Application Transmittal Form  
Specification, Claims and Abstract (32 pages)  
Formal Drawings (5 Sheets)  
Declaration (5 pages)  
Assignment, with Cover Sheet (5 pages)  
Information Disclosure Statement with Form PTO-1449, and  
one copy of each cited document  
Checks (\$746.00 and \$40.00)  
Acknowledgment Post Card

Express Mail Receipt  
EL501040000US  
Attorney Docket No.:  
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